

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tim Sales  
Assigned to: Up-Statistics Corporation  
Application Number: 09/735,883  
For: "Performance Tracker... "

Our Ref: B-4044 618373-3/MSG

Date: August 10, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


With respect to the above-identified application, we have received and enclose the original Notice of Abandonment issued on July 27, 2006.

The enclosed Notice of Abandonment was apparently sent to our office in error as the United States Patent and Trademark Office (USPTO) approved on August 2, 2002 our request to withdraw as agent of record and to have the USPTO direct all future correspondence to the applicant. A copy of this approval is attached for your convenience.

The last known address that we have for the applicant is as follows: c/o Up-Statistics, 8957 Wheatland Avenue, Sun Valley, California 91352.

A copy of this communication is also being sent to the applicant along with a copy of the enclosures.

Respectfully submitted,

  
Mavis S. Gallenson  
Reg. No. 32,464  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300

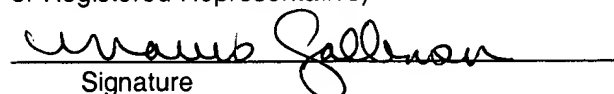
Enclosure - Original Notice of Abandonment mailed on July 27, 2006 from USPTO to Ladas & Parry

Copy of approval notice dated August 2, 2002 by USPTO

cc: c/o Mr. Tim Sales, Up-Statistics (with copies of this letter and enclosures)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 10, 2006. I also hereby certify that this correspondence is being deposited on the same day with the United States Postal Service as first class mail in an envelope addressed to: c/o Mr. Tim Sales, Up-Statistics, 8957 Wheatland Avenue, Sun Valley, California 91352.

Mavis S. Gallenson  
(Name of Applicant, Assignee  
or Registered Representative)

  
Signature

August 10, 2006  
Date



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,883	12/12/2000	Tim Sales	B-4044 618373-3	9325

7590 07/27/2006

Mavis S. Gallenson, Esq.  
c/o LADAS & PARRY  
Suite 2100  
5670 Wilshire Boulevard  
Los Angeles, CA 90036-5679

EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Abandonment Notice  
(D)

**Notice of Abandonment**

Application No.

09/735,883

Applicant(s)

SALES, TIM

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 October 2004.
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

It has been over 7 months since the Rejection was sent. Representative notified.



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



8/2/02  
**APPROVED**  
COPY OF PAPERS  
ORIGINALY FILED

Application No. 09/735,883  
Page 1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tim Sales

Application Number: 09/735,883

For: "PERFORMANCE TRACKER"  
SYSTEM"

) RE: WITHDRAWAL OF  
) COUNSEL

) Our Ref: 618373-3 B-4044

) Date: June 12, 2002



U.S. Patent and Trademark Office  
United States Receiving Office RO/US  
Washington, D.C. 20231

Dear Sir:

I, the attorney signing below, respectfully request permission for myself and all of the attorneys set forth in the power of attorney form filed in the above-identified case to withdraw from all further responsibility in this case.

This request for withdrawal is based on a conflict of interest in the handling of this application for Applicant. No office action has issued to date. Thus, for this application there is no pending deadline in this matter.

All future correspondences or communications should be directed to

c/o Mr. Tim Sales  
Up-Statistics Corporation  
15452 Cabrito Road, #101  
Van Nuys, CA 91406

The Applicant, Tim Sales, has a copy of all pertinent matters pertaining to this patent and is being sent a copy of this withdrawal.

This withdrawal is enclosed in triplicate.

The undersigned signs on behalf of the attorneys listed on the power of attorney filed in this case. All such attorneys are listed below.


Richard P. Berg  
Mavis S. Gallenson  
Kam C. Louie  
William C. Boling  
Ross A. Schmitt  
Victor Repkin  
John Palmer  
Peter D. Galloway  
William R. Evans

Mr. Boling and Mr. Repkin are not with this firm any longer. However, this withdrawal is for this firm and these individuals would not be acting as counsel through this firm should they wish

to represent Applicant.

The Commissioner is no longer authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. All previous authorizations to charge this account for this application are hereby withdrawn.

Respectfully submitted,

  
Mavis S. Gallenson  
Reg. No. 32,464

LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(213) 934-2300

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, United States Receiving Office RO/US, Washington, D.C. 20231 on June 12, 2002.

Mavis S. Gallenson  
(Name of Applicant, Assignee  
or Registered Representative)

  
Signature

June 12, 2002  
Date